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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/003,187

10/29/2001

Kent Massey

9698-2 US 2

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12/28/2005

DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA, PA 19103-6996

EXAMINER

PARRY, CHRISTOPHER L

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/003,187	MASSEY, KENT	
	Examiner	Art Unit	
	Chris Parry	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/11/02, 12/2/02, 1/21/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Reference signs 100, 102, 104, 106, 108, 110, 112, and 114 mentioned in ¶ 00016; reference signs 116, 122, 124, 120, and 118 mentioned in ¶ 00017; reference signs 130, 132, 134a, 134b, and 134c mention in ¶ 00019; reference signs 136, 138, and 140 mentioned in ¶ 00020. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haberman et al. "Haberman" (U.S. 2002/0013943) in view of Zigmond et al. "Zigmond" (U.S. 6,698,020).

Regarding Claim 1, Haberman discloses a method for the simultaneous creation, assembly and transmission of synchronous multiple personalized messages to specific targeted individuals or other entities (Abstract). Haberman teaches, "providing a plurality of potentially viewable digital video scenes to deliver to a viewer in modules containing one or more sequences of such scenes" by disclosing figure 3. Haberman discloses providing to viewers personalized messages and commercials that are more relevant given their personal situation. Personalized messages can be part of traditional broadcast (digital) television, advanced broadcast (digital) television (incl. video on demand) or streamed programs on the Internet (§ 0022). Haberman teaches creating different options or "sequences" of each slot or "modules", multiple versions of an entire video feed can be combined (§ 0040-0041). Haberman teaches, "determining probable personal preferences of categories of viewers" by disclosing to personalize a

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commercial 64 for each viewer, the viewer-specific path through each template of the commercial 64 (i.e., the selection of the option to play for each slot) will be selected at the latest moment possible (Just-In-Time-Advertising-JITA), based on information 62, FIG. 2, available on that viewer (e.g., from customer databases) (§ 0048). Haberman teaches, “producing some of such scenes as alternative scenes having content that is associated to such personal preferences” by disclosing in figure 6, commercial for vacationing in Bermuda which can be customized to showcase a variety of activities to a viewer. Further, STB 58 can make the final selection from the parts by matching the personalization information 62 against the user profile for each of the possible choices (§ 0040-0041 and 0046-0053). Haberman teaches “structuring the work such that at least one module contains a scene sequence in which an alternative scene can be interspersed with other scenes in response to information learned or inferred about a particular viewer” by disclosing in figure 6, an example of a commercial that is customized based on the viewers sex, and hobbies or interest. In this commercial shown in figure 6, for example, a slot or “module” is provided for default activity that comprises three or more activities that can be shown to the viewer depending on the known sex of the viewer and the known interests about the viewer. For example a young woman may be targeted with sequence about tennis and a young family may be targeted with a sequence about scuba. Therefore, information about the viewer, like interests and hobbies, can be interspersed with other scenes within a commercial so a personalized message can be created and targeted towards a specific demographic of viewer. Although, Haberman teaches the use of user profile information to deliver

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alternative sequences of scenes, Haberman fails to explicitly disclose a means for learning information about a particular viewer and using that learned information to deliver a scene sequence that contains alternative scenes that are associated with the personal preferences the viewer is characterized to have. In a related art pertaining to video distribution, Zigmond teaches a targeted advertisement system that learns viewer's demographic information by having a viewer complete a survey about the demographic information and the data is stored at storage location 82 shown in figure 5 (Col. 10, lines 16-63). Zigmond further teaches, information submitted and stored in storage location 82 is used in combination with ad selection criteria 83 in order to select appropriate advertisements to be displayed to the viewer (Col. 11, lines 31-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haberman with the teachings of Zigmond in order to provide a means for learning information about a particular viewer in order to characterize the viewer as having a personal preference and in response to information learned about a particular viewer, delivering to the viewer a scene sequence containing an alternative scene that is associated to the personal preference the viewer is characterized to have. One would have been motivated to make this modification for the benefit of providing a system for delivering and displaying advertisements where the advertisements can be more accurately targeted towards viewers (Zigmond – Background).

As for Claim 2, Haberman teaches, “wherein the work is used for marketing goods or services to potential purchasers, the plurality of potentially viewable digital scenes conveying information about a include containing potentially viewable scenes about such goods or services” by disclosing in figure 6, a detailed example of a video template set up for a campaign to provide personalized commercials for vacationing in Bermuda (§ 0046-0049). Video template comprises multiple slots configured to target the commercial towards a demographic and towards an interest of the user. For example, referring to figure 6, a young woman can be targeted with a personalized commercial for vacationing in Bermuda that showcases scuba diving. Also a young family can be targeted that has interest in playing golf while vacationing in Bermuda. Haberman teaches, “the personal preferences are preferences for the use of such goods or services” by disclosing to personalize a commercial 64 for each viewer, the viewer-specific path through each template of the commercial will be selected at the latest moment possible, based on information 62, available on the viewer or “personal preferences” (§ 0048). These preferences can be used for example to target a commercial for vacationing in Bermuda to a young family who has interests that include scuba diving as shown in figure 6.

4. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haberman in view of Shiels et al. "Shiels" (U.S. 5,737,527).

Regarding Claim 3, Haberman discloses a method for the simultaneous creation, assembly and transmission of synchronous multiple personalized messages to specific targeted individuals or other entities (Abstract). Haberman teaches, "providing a plurality of potentially viewable scenes to deliver to a viewer in a plurality of modules, each module containing potentially viewable scenes" by disclosing figures 3 and 6. Haberman teaches creating different options or "sequences" for each slot or "module", where multiple versions of an entire video feed can be combined (§ 00040-0041). Haberman teaches, "presenting to the viewer neutral scenes interspersed with alternative scenes that are appropriate to the relative order in which the subsequent module is presented" by disclosing in figure 6, common or "neutral scenes" in slots D-5 and D-11. The common or "neutral scenes" will be shown in the commercial and viewed by everyone no matter whether the target audience be a young woman or a young family. However, Haberman fails to explicitly disclose at least one of the modules, presenting to the viewer alternative decisions that will determine an order in which at a subsequent module will be presented; enabling the viewer to make one of the alternative decisions; in each module that can be presented in a different order, providing neutral scenes in which the content is not dependant upon the order in which the module is viewed, and providing sets of alternative scenes in which the content is dependant upon the order in which the module is viewed; and prompting the viewer to make one of the alternative

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decisions that will determine the order of a subsequent module. In a related art pertaining to video distribution, Shiels discloses in figure 6 a branched narrative structure starting with a common introductory portion (Col. 7, lines 2-46). Shiels teaches, "at least one of the modules, presenting to the viewer alternative decisions that will determine an order in which at a subsequent module will be presented" by disclosing at branch node A or "module" asking the user as to which path the narrative will take, with the user navigating through the network of possible story lines to reach one of the four possible endings (Col. 7, lines 5-8). Shiels further teaches a menu of possible options may be displayed asking the user to make a selection using a user input device (Col. 7, lines 33-40). Shiels teaches, "enabling the viewer to make one of the alternative decisions" by disclosing a list of options will be displayed to the viewer when a decision is need (Col. 7, lines 33-40). Shiels teaches, "in each module that can be presented in a different order, providing neutral scenes in which the content is not dependant upon the order in which the module is viewed, and providing sets of alternative scenes in which the content is dependant upon the order in which the module is viewed" by disclosing common nodes H, J, and K which may appear in the narrative regardless of which path is chosen at node A (Col. 7, lines 2-18). Shiels further teaches providing alternative ending scenes W-Z, which are dependent on the decisions, made by the viewer at the previous nodes or "modules" (Col. 7, lines 2-46). Shiels further teaches, "prompting the viewer to make one of the alternative decisions that will determine the order of a subsequent module" by disclosing the existence of an interaction period may be indicated to the viewer by displaying a menu of possible

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options on the screen and allowing to user to select one of the displayed options (Col. 7, lines 32-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haberman with the teachings of Shiels in order to prompt the viewer to make on of the alternative decisions that will determine the order of a subsequent module and providing neutral scenes that do not depend from the alternative scenes that were previously chosen. One would have been motivated to make this modification for the benefit of facilitating user interaction with branch-structured commercial to better personalize the commercial for the viewer (Shiels – Summary).

As for Claim 4, Haberman teaches, “wherein the work is used for marketing goods or services to potential purchasers, the plurality of potentially viewable digital scenes conveying information about a include containing potentially viewable scenes about such goods or services” by disclosing in figure 6, a detailed example of a video template set up for a campaign to provide personalized commercials for vacationing in Bermuda (¶¶ 0046-0049). Video template comprises multiple slots configured to target the commercial towards a demographic and towards an interest of the user. For example, referring to figure 6, a young woman can be targeted with a personalized commercial for vacationing in Bermuda that showcases scuba diving. Also a young family can be targeted that has interest in playing golf while vacationing in Bermuda. Haberman teaches, “the step of presenting to the viewer neutral scenes interspersed with alternative scenes that are appropriate to the relative order in which the module is

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presented includes presenting alternate scenes to avoid repeating information already conveyed to the viewer in previous scenes” by disclosing in figure 3, the system may keep track of which segments were previously shown to any audience, so in a next transmission, different segments not before seen by the audience can be shown (¶ 0040-0042).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to branched narratives and audience polling.

U.S. Pat. No. 5,694,162 to Freeny Jr.

U.S. Pat. No. 5,894,320 to Vancelette

U.S. Pat. No. 6,947,966 to Oko Jr. et al.

U.S. Pat. No. 6,298,482 to Seidman et al.

The following patents are cited to further show the state of the art with respect to personalized content.

U.S. Pat. No. 5,664,046 to Abecassis.

U.S. Pat. No. 6,671,880 to Shah-Nazaroff et al.

U.S. Pat. No. 6,473,903 to Balakrishnan et al.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Parry whose telephone number is (571) 272-8328. The examiner can normally be reached on Monday through Friday, 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiners Initials: _____
December 13, 2005


Patent Examiner
Art Unit 2614